

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DECISION AND ORDER
08-CR-08A

ROSEMARY E. CZUMAJ,

Defendant.

On January 23, 2008, the defendant was charged in an indictment with unlawful importation of marijuana into the United States and failing to declare merchandise being imported into the United States. The matter was referred to Magistrate Judge Hugh B. Scott for pretrial proceedings pursuant to 28 U.S.C. § 636(b)(1).

The defendant filed a motion to suppress evidence and for other discovery relief. The government filed a response in opposition to the defendant's motion. On August 12, 2008, Magistrate Judge Scott issued a report and recommendation recommending that the defendant's motion to suppress evidence be denied, and that the defendant's motion for omnibus relief be granted in part and denied in part.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the report and recommendation to which

objections have been made. Upon a de novo review, after reviewing the submissions and no objections having been filed, the Court adopts Magistrate Judge Scott's report and recommendation.

Accordingly, for the reasons stated by Magistrate Judge Scott, the defendant's motion to suppress evidence is denied, and the defendant's motion for omnibus relief be granted in part and denied in part.

The parties shall appear in Court on Tuesday, October 14, 2008, at 9:00 a.m. for a meeting to set a trial date.

IT IS SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT JUDGE

Dated: October 10, 2008